

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA**

Fill in this information to identify your case:

| | | | |
|---------------------------------|--------------------------|-------------|-----------|
| Debtor 1 | <u>April B. Zipperer</u> | | |
| | First Name | Middle Name | Last Name |
| Debtor 2 (Spouse, if filing) | | | |
| | First Name | Middle Name | Last Name |
| Case number (If known) | <u>22-40752-EJC</u> | | |

☒ Check if this is an amended plan.

Chapter 13 Plan and Motion

[Pursuant to Fed. R. Bankr. P. 3015.1, the Southern District of Georgia General Order 2017-3 adopts this form in lieu of the Official Form 113].

1. **Notices.** Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as not being contained in the plan or if neither or both boxes are checked, the provision will be ineffective if set out in the plan.

- (a) This plan: ☒ contains nonstandard provisions. See paragraph 15 below.
☐ does not contain nonstandard provisions.
- (b) This plan: ☐ values the claim(s) that secures collateral. See paragraph 4(f) below.
☒ does not value claim(s) that secures collateral.
- (c) This plan: ☐ seeks to avoid a lien or security interest. See paragraph 8 below.
☒ does not seek to avoid a lien or security interest.

2. **Plan Payments.**

- (a) The Debtor(s) shall pay to the Chapter 13 Trustee (the "Trustee") the sum of \$200.00 for the applicable commitment period of:

☒ 60 months; or

☐ a minimum of 36 months. See 11 U.S.C. § 1325(b)(4).

(If applicable include the following: These plan payments will change to \$ 595.00 monthly on November 11, 2024.)

- (b) The payments under paragraph 2(a) shall be paid:

☐ Pursuant to a Notice to Commence Wage Withholding, the Debtor(s) request(s) that the Trustee serve such Notice(s) upon the Debtor(s)' employer(s) as soon as practicable after the filing of this plan. Such Notice(s) shall direct the Debtor(s)' employer(s) to withhold and remit to the Trustee a dollar amount that corresponds to the following percentages of the monthly plan payment:

☐ Debtor 1 ____% ☐ Debtor 2 ____%

☒ Direct to the Trustee for the following reason(s):

☐ The Debtor(s) receive(s) income solely from self-employment, Social Security, government assistance, or retirement.

☒ The Debtor(s) assert(s) that wage withholding is not feasible for the following reason(s):

DUE TO SMALL BUSINESS

- (c) Additional Payments of \$0.00 (estimated amount) will be made on _____ (anticipated date) from (source, including income tax refunds).

3. **Long-Term Debt Payments.**

- (a) **Maintenance of Current Installment Payments.** The Debtor(s) will make monthly payments in the manner specified as follows on the following long-term debts pursuant to 11 U.S.C. § 1322(b)(5). These postpetition payments will be disbursed by either the Trustee or directly by the Debtor(s), as specified below. Postpetition payments are to be applied to postpetition amounts owed for principal, interest, authorized postpetition late charges and escrow, if applicable. Conduit payments that are to be made by the Trustee which

Debtor April B. Zipperer

Case number _____

become due after the filing of the petition but before the month of the first payment designated here will be added to the prepetition arrearage claim.

| CREDITOR | COLLATERAL | PRINCIPAL RESIDENCE (Y/N) | PAYMENTS TO MADE BY TRUSTEE OR DEBTOR(S) | MONTH OF FIRST POST PETITION PAYMENT TO CREDITOR | INITIAL MONTHLY PAYMENT |
|-------------------------|---------------------------------|---------------------------|--|--|-------------------------|
| Georgia Heritage Fed CU | 2019 GMC YUKON SLT 75,000 miles | No | Debtor | NOVEMBER 2022 | \$913.00 |
| Stockton Mortgage | 190 OAKVIEW RD Rincon, GA 31326 | Yes | Debtor | NOVEMBER 2022 | \$1,491.00 |

(b) **Cure of Arrearage on Long-Term Debt.** Pursuant to 11 U.S.C. § 1322(b)(5), prepetition arrearage claims will be paid in full through disbursements by the Trustee, with interest (if any) at the rate stated below. Prepetition arrearage payments are to be applied to prepetition amounts owed as evidenced by the allowed claim.

| CREDITOR | DESCRIPTION OF COLLATERAL | PRINCIPAL RESIDENCE (Y/N) | ESTIMATED AMOUNT OF ARREARAGE | INTEREST RATE ON ARREARAGE (if applicable) |
|----------|---------------------------|---------------------------|-------------------------------|--|
| -NONE- | | | | |

4. **Treatment of Claims.** From the payments received, the Trustee shall make disbursements as follows unless designated otherwise:
- (a) **Trustee's Fees.** The Trustee percentage fee as set by the United States Trustee.
 - (b) **Attorney's Fees.** Attorney's fees allowed pursuant to 11 U.S.C. § 507(a)(2) of \$4,500.00.
 - (c) **Priority Claims.** Other 11 U.S.C. § 507 claims, unless provided for otherwise in the plan will be paid in full over the life of the plan as funds become available in the order specified by law.
 - (d) **Fully Secured Allowed Claims.** All allowed claims that are fully secured shall be paid through the plan as set forth below.

| CREDITOR | DESCRIPTION OF COLLATERAL | ESTIMATED CLAIM | INTEREST RATE | MONTHLY PAYMENT |
|----------|--|-----------------|---------------|-----------------|
| -NONE- | | | | |
| (e) | Secured Claims Excluded from 11 U.S.C. § 506 (those claims subject to the hanging paragraph of 11 U.S.C. § 1325(a)). The claims listed below were either: (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor(s), or (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value. These claims will be paid in full under the plan with interest at the rate stated below: | | | |

| CREDITOR | DESCRIPTION OF COLLATERAL | ESTIMATED CLAIM | INTEREST RATE | MONTHLY PAYMENT |
|----------|---------------------------|-----------------|---------------|-----------------|
| -NONE- | | | | |

- (f) **Valuation of Secured Claims to Which 11 U.S.C. § 506 is Applicable.** The Debtor(s) move(s) to value the claims partially secured by collateral pursuant to 11 U.S.C. § 506 and provide payment in satisfaction of those claims as set forth below. The unsecured portion of any bifurcated claims set forth below will be paid pursuant to paragraph 4(h) below. The plan shall be served on all affected creditors in compliance with Fed. R. Bankr. P. 3012(b), and the Debtor(s) shall attach a certificate of service.

| CREDITOR | DESCRIPTION OF COLLATERAL | VALUATION OF SECURED CLAIM | INTEREST RATE | MONTHLY PAYMENT |
|----------|---------------------------|----------------------------|---------------|-----------------|
| -NONE- | | | | |

- (g) **Special Treatment of Unsecured Claims.** The following unsecured allowed claims are classified to be paid at 100%

☐ with interest at ____% per annum; or ☐ without interest:

None

- (h) **General Unsecured Claims.** Allowed general unsecured claims, including the unsecured portion of any bifurcated claims provided for in paragraph 4(f) or paragraph 9 of this plan, will be paid a 0.00% dividend or a pro rata share of \$100.00, whichever is greater.

Debtor April B. Zipperer Case number _____**5. Executory Contracts.**

- (a) Maintenance of Current Installment Payments or Rejection of Executory Contract(s) and/or Unexpired Lease(s).

| CREDITOR | DESCRIPTION OF PROPERTY/SERVICES AND CONTRACT | ASSUMED/REJECTED | MONTHLY PAYMENT | DISBURSED BY TRUSTEE OR DEBTORS |
|---------------|---|------------------|-----------------|------------------------------------|
| <u>-NONE-</u> | | | | |

- (b) Treatment of Arrearages. Prepetition arrearage claims will be paid in full through disbursements by the Trustee.

| CREDITOR | ESTIMATED ARREARAGE |
|---------------|---------------------|
| <u>-NONE-</u> | |

6. Adequate Protection Payments. The Debtor(s) will make pre-confirmation lease and adequate protection payments pursuant to 11 U.S.C. § 1326(a)(1) on allowed claims of the following creditors: ☐ Direct to the Creditor; or ☐ To the Trustee

| CREDITOR | ADEQUATE PROTECTION OR LEASE PAYMENT AMOUNT |
|---------------|---|
| <u>-NONE-</u> | |

7. Domestic Support Obligations. The Debtor(s) will pay all postpetition domestic support obligations direct to the holder of such claim identified here. See 11 U.S.C. § 101(14A). The Trustee will provide the statutory notice of 11 U.S.C. § 1302(d) to the following claimant(s):

| CLAIMANT | ADDRESS |
|---------------|---------|
| <u>-NONE-</u> | |

8. Lien Avoidance. Pursuant to 11 U.S.C. § 522(f), the Debtor(s) move(s) to avoid the lien(s) or security interest(s) of the following creditor(s), upon confirmation but subject to 11 U.S.C. § 349, with respect to the property described below. The plan shall be served on all affected creditor(s) in compliance with Fed. R. Bankr. P. 4003(d), and the Debtor(s) shall attach a certificate of service.

| CREDITOR | LIEN IDENTIFICATION (if known) | PROPERTY |
|---------------|--------------------------------|----------|
| <u>-NONE-</u> | | |

9. Surrender of Collateral. The following collateral is surrendered to the creditor to satisfy the secured claim to the extent shown below upon confirmation of the plan. The Debtor(s) request(s) that upon confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under 11 U.S.C. § 1301 be terminated in all respects. Any allowed deficiency balance resulting from a creditor's disposition of the collateral will be treated as an unsecured claim in paragraph 4(h) of this plan if the creditor amends its previously-filed, timely claim within 180 days from entry of the order confirming this plan or by such additional time as the creditor may be granted upon motion filed within that 180-day period.

| CREDITOR | DESCRIPTION OF COLLATERAL | AMOUNT OF CLAIM SATISFIED |
|---------------|---------------------------|---------------------------|
| <u>-NONE-</u> | | |

10. Retention of Liens. Holders of allowed secured claims shall retain the liens securing said claims to the full extent provided by 11 U.S.C. § 1325(a)(5).**11. Amounts of Claims and Claim Objections.** The amount, and secured or unsecured status, of claims disclosed in this plan are based upon the best estimate and belief of the Debtor(s). An allowed proof of claim will supersede those estimated claims. In accordance with the Bankruptcy Code and Federal Rules of Bankruptcy Procedure objections to claims may be filed before or after confirmation.**12. Payment Increases.** The Debtor(s) will increase payments in the amount necessary to fund allowed claims as this plan proposes, after notice from the Trustee and a hearing if necessary, unless a plan modification is approved.**13. Federal Rule of Bankruptcy Procedure 3002.1.** The Trustee shall not pay any fees, expenses, or charges disclosed by a creditor pursuant to Fed. R. Bankr. P. 3002.1(c) unless the Debtor(s)' plan is modified after the filing of the notice to provide for payment of such fees, expenses, or charges.**14. Service of Plan.** Pursuant to Fed. R. Bankr. P. 3015(d) and General Order 2017-3, the Debtor(s) shall serve the Chapter 13 plan on the Trustee and all creditors when the plan is filed with the court, and file a certificate of service accordingly. If the Debtor(s) seek(s) to limit the amount of a secured claim based on valuation of collateral (paragraph 4(f) above), seek(s) to avoid a security interest or lien (paragraph 8 above), or seek(s) to initiate a contested matter, the Debtor(s) must serve the plan on the affected creditors pursuant to Fed. R. Bankr. P. 7004. See Fed. R. Bankr. P. 3012(b), 4003(d), and 9014.

Debtor April B. Zipperer Case number _____

15. Nonstandard Provisions. Under Fed. R. Bankr. P. 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise in this local plan form or deviating from it. Nonstandard provisions set out elsewhere in this plan are void.

THE DEBTOR(S) AGREE TO INCREASE PLAN PAYMENT, IF NECESSARY, TO COMPLY WITH 11 U.S.C. 1325 AND 1328. ANY FEES, EXPENSES AND CHARGES ASSERTED UNDER FED. R. BANKR. P. 3002(c) ARE NOT TO BE FUNDED THROUGH THE CHAPTER 13 PLAN. DEBTOR(S) WILL PAY THESE POST-PETITION EXPENSES DIRECTLY TO THEIR MORTGAGE HOLDER/SERVICER UNLESS THE COURT HAS DISALLOWED THEM ON A MOTION FILED UNDER FED. R. BANKR. P. 3002(e).

By signing below, I certify the foregoing plan contains no nonstandard provisions other than those set out in paragraph 15.

Dated: December 1, 2022

/s/ April B. Zipperer
April B. Zipperer

Debtor 1

Debtor 2

/s/ BARBARA B. BRAZIEL
BARBARA B. BRAZIEL

Attorney for the Debtor(s)

United States Bankruptcy Court
Southern District of Georgia

In re April B. Zipperer

Debtor(s)

Case No. 22-40752
Chapter 13

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2022, a copy of Amended Chapter 13 Plan & Motion was served electronically or by regular United States mail to all interested parties, the Trustee and all creditors listed below.

O. BYRON MEREDITH III
CHAPTER 13 TRUSTEE
P.O. BOX 10556
SAVANNAH, GA 31412

/s/ BARBARA B. BRAZIEL

BARBARA B. BRAZIEL
BARBARA B. BRAZIEL
130 CANAL STREET
#602
Pooler, GA 31322
912-351-9000 Fax: 912-692-0768
ecf@brazielaw.com

Label Matrix for local noticing
113J-4
Case 22-40752-EJC
Southern District of Georgia
Savannah
Thu Dec 1 12:14:21 EST 2022

Bank of America
Attn: Bankruptcy
4909 Savarese Circle
Tampa FL 33634-2413

Bank of America, N.A.
PO Box 673033
Dallas, TX 75267-3033

Barclays Bank/gap
P.O. Box 8803
Wilmington DE 19899-8803

Barbara B. Braziel
Barbara B Braziel
130 Canal Street
#602
Pooler, GA 31322-4087

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

Citibank/Best Buy
Citicorp Credit Svcs/Centralized Bk dept
Po Box 790034
St Louis MO 63179-0034

DERRICK N. ZIPPERER
190 OAKVIEW RD
Rincon GA 31326-3228

Discover Bank
Discover Products Inc
PO Box 3025
New Albany, OH 43054-3025

Discover Financial
Attn: Bankruptcy
Po Box 3025
New Albany OH 43054-3025

Georgia Heritage Fed C
Po Box 1920
Savannah GA 31402-1920

Georgia Heritage Federal Credit Union
102 Park Ave
Pooler, GA 31322-2183

JPMorgan Chase Bank, N.A.
s/b/m/t Chase Bank USA, N.A.
c/o National Bankruptcy Services, LLC
P.O. Box 9013
Addison, Texas 75001-9013

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

O. Byron Meredith, III
P O Box 10556
Savannah, GA 31412-0756

(p)MCCALLA RAYMER LEIBERT PIERCE LLC
ATTN: WENDY REISS
1544 OLD ALABAMA ROAD
ROSWELL GA 30076-2102

Office of the U. S. Trustee
33 Bull Street, Suite 400
Savannah, GA 31401-3331

STOCKTON MORTGAGE
ATTN: BANKRUPTCY DEPT
P.O. BOX 100077
Duluth GA 30096-9377

Synch/Care Credit
Attn: Bankruptcy
Po Box 965060
Orlando FL 32896-5060

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Synchrony Bank
Attn: Bankruptcy
Po Box 965060
Orlando FL 32896-5060

Synchrony Bank c/o PRA Receivables Management
PO Box 41021
Norfolk, VA 23541-1021

Synchrony Bank/Lowes
Attn: Bankruptcy
Po Box 965060
Orlando FL 32896-5060

April B. Zipperer
190 Oakview Rd
Rincon, GA 31326-3228

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Chase Card Services
Attn: Bankruptcy
P.O. 15298
Wilmington DE 19850

Ciro A. Mestres
McCalla Raymer Leibert Pierce, LLC
1544 Old Alabama Rd
Roswell, GA 30076

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Stockton Mortgage Corporation

| | |
|---------------------|----|
| End of Label Matrix | |
| Mailable recipients | 23 |
| Bypassed recipients | 1 |
| Total | 24 |